

1 Roger M. Townsend
BRESKIN, JOHNSON & TOWNSEND, PLLC
1000 Second Ave, Suite 3670
2 Seattle, WA 98104
Phone: (206) 652-8660
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5 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

6 JEREMY OLSEN,

7 Plaintiff,

8 v.

9 XAVIER BECERRA, in his official
capacity as Secretary of the United
10 States Department of Health and
Human Services,

11 Defendant
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No. 2:21-cv-00326-SMJ

PLAINTIFF'S OBJECTION TO
ADMINISTRATIVE RECORD
FILED ON MARCH 16, 2022

1 Plaintiff Jeremy Olsen objects to the Administrative Record filed by
2 the Secretary on March 16, 2022. The Administrative Record contains
3 materials that were neither considered by any entity below nor exchanged
4 with Mr. Olsen or Mrs. Olsen.

5 Included in the Administrative Record as AR29-42 is correspondence
6 between Noridian and Medtronic marked “preview” reflecting
7 alleged/planned payments on numerous claims. While most of the
8 document is redacted, the portions that relate to Mr. Olsen’s claims are not.
9 This document is duplicated at AR532-545.

10 Also included are AR510-531, which are internal documents neither
11 considered by any review entity below nor exchanged with Mr. Olsen or
12 Mrs. Olsen.

13 Also included are AR561-569, which are internal documents with
14 created after this case was filed and neither considered by any review entity
15 below nor exchanged with Mr. Olsen or Mrs. Olsen. Indeed, portions of
16 these documents including the Secretary’s counsel are redacted. *See*
17 AR567.

18 Because these materials were not considered by any entity below or
19 exchanged with the Mr. Olsen or Mrs. Olsen, they are not part of the
20 Administrative Record. *See, e.g.*, 42 C.F.R. § 405.1042(a).

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the state of Washington that on the date below, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

Vanessa R. Waldref
United States Attorney
John T. Drake
Assistant United States Attorney
UNITED STATES DEPARTMENT OF JUSTICE
920 W. Riverside Ave, Suite 340
Spokane, WA 99201

DATED April 5, 2022 at Seattle, Washington.

s/ Julia Wolfe
Julia Wolfe, Legal Assistant